IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4504 OF 2004

IN

CRIMINAL APPEAL NO. 530 OF 2004

Shakil Karim Tamboli .. Applicant

versus

State of Maharashtra .. Respondents

...

Mr.S.A. Ingawale for the applicant.

Mr.R.Y. Mirza APP for the respondents.

CORAM : V.M. KANADE, J

DATED : 3rd November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is convicted u/s.376(2)(g) r/w 34 of the IPC and sentenced to suffer RI for 10 years

and a fine of Rs.2,000/- is imposed by the trial Court. The prosecution case is that the applicant along with two other accused entered the house of the prosecutrix and committed rape of the prosecutrix. From the evidence of the prosecutrix, it is seen that she has stated that the applicant was present and was instigating the other accused.

3. In my view, this is not a fit case for grant of bail. Application is rejected.

4. Liberty to apply for fixed date of hearing after the private paper book is ready. Hearing is expedited.

V.M. KANADE, J